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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

KESHAWN DEVON DEGRATE,

Defendant and Appellant.

D064861

(Super. Ct. No. SCD247435)

APPEAL from a judgment of the Superior Court of San Diego County, Laura Halgren, Judge. Affirmed.

James M. Crawford, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Keshawn Degrate was charged with numerous offenses and, pursuant to a plea agreement limiting his sentence to a prison term of six years and dismissing the other charges, he pleaded guilty to one count of assault with a deadly weapon (Pen. Code,¹

¹ Statutory references are to the Penal Code.

§ 245, subd. (a)) and admitted he personally used a firearm in committing the offense (§ 12022.5, subd. (a)), and that the offense was committed for the benefit of, at the direction of, and in association with a criminal street gang. (§ 186.22, subd. (b)(1).) The court sentenced Degrate to a total term of six years, composed of three years for the section 245 offense and a consecutive three-year term for the section 12022.5, subdivision (a), allegation. The court dismissed the gang allegation, imposed a restitution fine of \$1,680, granted 383 days of custody credits and limited Degrate to 15 percent conduct credits pursuant to section 2933.1. Degrate filed a timely notice of appeal. We affirm the judgment.

FACTS

Degrate assaulted the victim with a firearm in association with and for the benefit of a criminal street gang.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738. Counsel has identified as possible issues: whether the court abused its discretion in imposing the restitution fine of \$1,680, and whether the court erred in limiting Degrate's conduct credits to 15 percent of time served rather than awarding day-for-day credits.

We granted Degrate permission to file a supplemental brief on his own behalf, but he has not responded. A review of the record pursuant to *People v. Wende, supra*, 25

Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issues. Degrate has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

HUFFMAN, Acting P. J.

O'ROURKE, J.